

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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In the Matter of )  
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Implementation of Section 302 of )  
the Telecommunications Act of )  
1996 )  
 )  
Open Video Systems )  
 )

MM Docket No. 96-46

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**REPLY COMMENTS OF THE CITY OF LAKE FOREST, ILLINOIS**

The City of Lake Forest hereby submits these reply comments in the above-captioned proceeding.

**I. INTRODUCTION**

On March 11, 1996, the Commission released a Notice of Proposed Rulemaking (FCC 96-99)("Notice"), requesting comment on how it should implement the regulatory framework for open video systems ("OVS"). In response, the National League of Cities, the National Association of Telecommunications Officers and Advisors, the U.S. Conference of Mayors, Montgomery County, and several cities (hereinafter "NLC") filed joint comments containing specific proposals for implementing that framework.

In their comments, NLC identified four key principles that must guide the Commission in formulating its rules. First, the Commission's rules regarding the PEG and other Title VI requirements mandated by Congress for OVS must ensure that OVS operator will meet local community needs and interests. Second, the Commission must

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adopt nondiscrimination provisions that ensure that all programmers will have truly open and affordable access to OVS and that prevent an OVS from becoming a cable system in disguise. Third, the 1996 Telecommunications Act does not permit cable operators to become OVS operators. Fourth, the Commission's rules must acknowledge the property interests that local governments hold in the local public rights-of-way.

The City of Lake Forest strongly supports NLC's comments and urges the Commission to follow these four principles in formulating OVS rules. The City of Lake Forest discusses below its experience in creating and implementing PEG obligations that meet critical local needs.

## II. DISCUSSION

The Commission's statutory mandate in adopting PEG requirements for OVS is clear. As NLC notes, the Telecommunications Act of 1996 requires the Commission to establish PEG obligation for OVS that are consistent with local needs and interests, and to impose on an OVS operator obligations equivalent to those imposed on cable operators. To fulfill these mandates, the Commission should, as proposed by NLC, require OVS operators "to match or negotiate," that is, to match incumbent cable operator's PEG obligation, or to negotiate agreements acceptable to affected communities.

The record in this proceeding demonstrates that local government - as franchising authorities and PEG programmers - play a critical role in ensuring that local communication needs and interests are met.<sup>1</sup> Moreover, local governments, as the

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<sup>1</sup> See, e.g., Comment on the Below-Named Political Subdivision of the State of Minnesota at 7 (franchising authorities have "considerable experience in successfully negotiating, creating and implementing . . . PEG obligations"); Comment and Petition for Reconsideration of the National Cable Television Association, Inc. at 34 ("The local franchising authority is the governmental entity best

National Cable Television Association states, “are in the best position to deliver on the Act’s intent to accomplish PEG access over open video systems.”<sup>2</sup>

By Adopting NLC’s proposal, the Commission will ensure that PEG access continues to serve local needs and interests in The City of Lake Forest, and will satisfy the Commission’s statutory mandate to impose equivalent obligations on OVS and cable operators.

PEG access programming is vital to The City of Lake Forest in making local government more open and accessible. The broadcasting of City meetings on the PEG channel, as well as other informational City programming produced with PEG facilities, has been cited by many residents as a method they frequently use to they keep abreast of local issues.

Each year our community of only 5,600 cable homes produces more than 200 PEG programs, totaling more than 300 hours of original programming. The PEG channel broadcasts more than 8 hours of community produced local-interest programming every day.

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positioned to appreciate community needs and most experienced in the implementation of PEG access rules”); and Joint Comments of Cablevision Systems Corporation and the California Cable Television Association at 21 (“Congress Certainly understood the PEG access requirements are now imposed by localities to meet critical localism goals”).

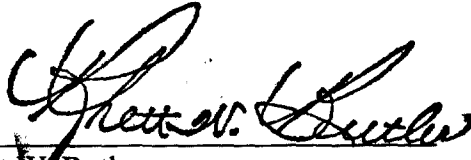
<sup>2</sup> Comment and Petition for Reconsideration of the National Cable Television Association, Inc. at 33. See also, Comments of MFS Communications Company, Inc. at 27 (“The manner in which OVS operators and/or their customer programmers comply with the PEG obligations should generally be worked out between the programmer and the local government entity that oversees the implementation of these rules for cable operators”).

### III. CONCLUSION

The City of Lake Forest respectfully requests the Commission to adopt a framework for OVS consistent with the proposals and principals recommended by NLC et al. in their comments.

Respectfully submitted,

The City of Lake Forest

by:   
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April 10, 1996